

## AN ACT

ENTITLED, An Act to authorize the South Dakota Building Authority and the Board of Regents to finance, design, construct, furnish, and equip a sports performance enhancement facility arena and a new outdoor track and soccer complex at the University of South Dakota and to make an appropriation therefor.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. It is in the public interest that the South Dakota Building Authority contract for the design, construction, completion, furnishing, equipping, and maintaining of, including heating, air conditioning, plumbing, water, sewer, electric facilities, sidewalks, parking, landscaping, architectural and engineering services, asbestos abatement, and such other services or actions as may be required to provide for, a sports performance enhancement facility arena, comprising approximately one hundred eighteen thousand five hundred square feet, and a new outdoor track and soccer complex, comprising approximately eleven and one tenth acres, at the University of South Dakota, all at the estimated cost of forty-eight million two hundred thousand dollars. The South Dakota Building Authority may finance up to twenty-two million seven hundred thousand dollars of the construction costs through the issuance of revenue bonds, in accordance with this Act and chapter 5-12.

Section 2. There is hereby appropriated the sum of forty-eight million two hundred thousand dollars (\$48,200,000), or so much thereof as may be necessary, in other fund expenditure authority payable from accumulated athletic department revenues, rental and advertising revenue, and from funds donated and accepted for the purposes of this Act, to the Board of Regents for the projects and debt service authorized by this Act.

Section 3. No indebtedness, bond, or obligation incurred or created under the authority of this Act may be or may become a lien, charge, or liability against the State of South Dakota, nor against

the property or funds of the State of South Dakota within the meaning of the Constitution or statutes of the state.

Section 4. The cost estimates contained in this Act have been stated in terms of 2012 values. The Board of Regents may adjust such cost estimates to reflect inflation as measured by the Building Cost Index, reported by the Engineering News Record, additional expenditures required to comply with regulations adopted after the effective date of this Act, or donations or federal funds received pursuant to this Act. However, any adjustments to construction cost estimates for any given project may not exceed one hundred twenty-five percent of the estimated project construction cost state in section 1 of this Act.

Section 5. The Building Authority and the Board of Regents may accept, transfer, and expend any funds obtained for the projects authorized in this Act from federal sources or donations, all of which comprise a special fund for the project or its debt service; and all moneys deposited into that fund are hereby appropriated to the projects authorized by this Act in addition to the amounts otherwise authorized by this Act. However, the aggregate increases to the estimated project funds from such sources may not exceed one hundred twenty-five percent of the estimated project construction cost stated in section 1 of this Act.

Section 6. The Building Authority and the Board of Regents may combine the projects authorized in this Act with the project authorized in subdivision (11) of section 3 of chapter 107 of the 2012 Session Laws if they find that doing so will serve the interests of efficiency and economy.

Section 7. The administration of the design and construction of the projects authorized in this Act shall be under the general charge and supervision of the Bureau of Administration as provided in chapter 5-14. The executive director of the Board of Regents and the executive secretary of the Building Authority shall approve vouchers and the state auditor shall draw warrants to pay expenditures authorized by this Act.

Section 8. The Board of Regents may make and enter into a lease agreement with the Building Authority and make rental payments under the terms thereof, pursuant to chapter 5-12, from the donations received pursuant to this Act or from University of South Dakota athletic department rental and advertising revenues.

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I certify that the attached Act  
originated in the

SENATE as Bill No. 8

\_\_\_\_\_  
Secretary of the Senate  
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\_\_\_\_\_  
President of the Senate

Attest:

\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_  
Speaker of the House

Attest:

\_\_\_\_\_  
Chief Clerk

Senate Bill No. 8  
File No. \_\_\_\_\_  
Chapter No. \_\_\_\_\_

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Received at this Executive Office  
this \_\_\_\_\_ day of \_\_\_\_\_ ,

20\_\_\_\_ at \_\_\_\_\_ M.

By \_\_\_\_\_  
for the Governor  
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The attached Act is hereby  
approved this \_\_\_\_\_ day of  
\_\_\_\_\_, A.D., 20\_\_\_\_

\_\_\_\_\_  
Governor  
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STATE OF SOUTH DAKOTA,  
ss.

Office of the Secretary of State

Filed \_\_\_\_\_ , 20\_\_\_\_  
at \_\_\_\_\_ o'clock \_\_\_\_ M.

\_\_\_\_\_  
Secretary of State

By \_\_\_\_\_  
Asst. Secretary of State